

U.S. DISTRICT COURT
U.S. District Court, Western District of New York (Rochester)
CIVIL DOCKET FOR CASE #: 6:19-cv-06819-FPG

Studco Building Systems US, LLC v. 1st Advantage Federal Credit Union

Assigned to: Hon. Frank P. Geraci, Jr.

Demand: \$659,000

Cause: 28:1332 Diversity-Fraud

Plaintiff

Studco Building Systems US, LLC

represented by **Daniel P. Greene**

Beckage PLLC

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LEAD ATTORNEY

ATTORNEY TO BE NOTICED

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V.

Defendant

1st Advantage Federal Credit Union

represented by **Gina T. Wisniewski**

Monaco, Cooper & Carr, PLLC

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LEAD ATTORNEY

ATTORNEY TO BE NOTICED

Defendant

John Doe

Date Filed	#	Docket Text
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11/05/2019	<u>1</u>	COMPLAINT against 1st Advantage Federal Credit Union, John Doe \$ 400 receipt number 0209-3642693, filed by Studco Building Systems US, LLC. (Attachments: # <u>1</u> Civil Cover Sheet)(Jaworski, Myriah) (Entered: 11/05/2019)
11/05/2019	<u>2</u>	Original Summons Filed. (Jaworski, Myriah) (Entered: 11/05/2019)
11/06/2019	<u>1</u>	Notification to chambers of on-line civil opening. (KLH) (Entered: 11/06/2019)
11/06/2019	<u>1</u>	Notice of Availability of Magistrate Judge: A United States Magistrate of this Court is available to conduct all proceedings in this civil action in accordance with 28 U.S.C. 636c and FRCP 73. The Notice, Consent, and Reference of a Civil Action to a Magistrate Judge form (AO-85) is available for download at http://www.uscourts.gov/services-forms/forms . (KLH) (Entered: 11/06/2019)
11/06/2019	<u>1</u>	AUTOMATIC REFERRAL to Mediation The ADR Plan is available for download at http://www.nywd.uscourts.gov/alternative-dispute-resolution (KLH) (Entered: 11/06/2019)
11/06/2019	<u>3</u>	Summons Issued as to 1st Advantage Federal Credit Union. (KLH) (Entered: 11/06/2019)
11/18/2019	<u>1</u>	ATTENTION CORPORATION PLAINTIFFS/DEFENDANTS: All Corporate Disclosure Statements pursuant to Fed.R.Civ.7.1(b) are to be filed within seven(7) days of this notice. (MD) (Entered: 11/18/2019)
11/25/2019	<u>4</u>	AFFIDAVIT of Service for Summons and Complaint served on Dustin Devore c/o Kaufman & Canoles, as Registered Agent for 1st Advantage Federal Credit Union on 11/20/2019, filed by Studco Building Systems US, LLC. (Jaworski, Myriah) (Entered: 11/25/2019)
11/25/2019	<u>5</u>	AFFIDAVIT of Service for Summons and Complaint served on Paul Muse as President/CEO of 1st Advantage Federal Credit Union on 11/20/2019, filed by Studco Building Systems US, LLC. (Jaworski, Myriah) (Entered: 11/25/2019)
11/25/2019	<u>6</u>	Corporate Disclosure Statement by Studco Building Systems US, LLC. (Jaworski, Myriah) (Entered: 11/25/2019)
12/09/2019	<u>7</u>	STIPULATION of Extension to answer by 1st Advantage Federal Credit Union. (Monaco, Mackenzie) (Entered: 12/09/2019)
12/10/2019	<u>8</u>	TEXT ORDER: Pursuant to ECF No. <u>7</u> , answer is now due due 1/9/2020. SO ORDERED. Signed by Hon. Frank P. Geraci, Jr. on 12/10/19. (BJJ) (Entered: 12/10/2019)
01/08/2020	<u>9</u>	MOTION to Dismiss <i>Plaintiff's Complaint</i> (Responses due by 1/22/2020.), MOTION to Dismiss for Lack of Jurisdiction by 1st Advantage Federal Credit Union. (Attachments: # <u>1</u> Attorney Affirmation, # <u>2</u> Exhibit to Attorney Affirmation, # <u>3</u> Memorandum in Support, # <u>4</u> Declaration of Michelle Nealey)(Wisniewski, Gina) (Entered: 01/08/2020)
01/09/2020	<u>10</u>	TEXT SCHEDULING ORDER: Defendant 1st Advantage has filed a motion to dismiss, ECF No. <u>9</u> . Plaintiff's response is due on or before 1/30/20. Defendant's reply is due on or before 2/6/20. SO ORDERED. Signed by Hon. Frank P. Geraci, Jr. on 1/9/20. (BJJ) (Entered: 01/09/2020)
01/29/2020	<u>11</u>	AMENDED COMPLAINT and Demand for Jury Trial against All Defendants, filed by Studco Building Systems US, LLC.(Jaworski, Myriah) (Entered: 01/29/2020)
01/29/2020	<u>12</u>	NOTICE of Appearance by Daniel P. Greene on behalf of Studco Building Systems US, LLC (Greene, Daniel) (Entered: 01/29/2020)
01/30/2020	<u>1</u>	E-Filing Notification: Notification to plaintiff's counsel, if you want a summons reissued to serve the <u>11</u> AMENDED COMPLAINT, e-file the completed summons and it will be reissued. (LMD) (Entered: 01/30/2020)

01/31/2020	<u>13</u>	Summons by Studco Building Systems US, LLC as to 1st Advantage Federal Credit Union. (Jaworski, Myriah) Modified on 2/3/2020 to indicate correct event. The summons was provided by Plaintiff for service of the Amended Complaint, Not returned unexecuted. (BK) (Entered: 01/31/2020)
02/03/2020	<u>14</u>	Summons Issued as to 1st Advantage Federal Credit Union. (BK) (Entered: 02/03/2020)
02/07/2020	<u>15</u>	AFFIDAVIT of Service for Summons and First Amended Complaint served on Monaco, Cooper & Carr, PLLC as Attorneys for 1st Advantage Federal Credit Union on 02/05/2020, filed by Studco Building Systems US, LLC. (Jaworski, Myriah) (Entered: 02/07/2020)
02/12/2020	<u>16</u>	MOTION to Dismiss <i>Plaintiff's Amended Complaint</i> (Responses due by 2/26/2020.), MOTION to Dismiss for Lack of Jurisdiction by 1st Advantage Federal Credit Union. (Attachments: # <u>1</u> Affidavit, # <u>2</u> Exhibit 2 to Attorney Affirmation, # <u>3</u> Exhibit 3 to Attorney Affirmation, # <u>4</u> Declaration, # <u>5</u> Memorandum in Support)(Wisniewski, Gina) (Entered: 02/12/2020)
02/13/2020	<u>1</u>	E-Filing Notification: Document contains so ordered line and should be submitted via e-mail to the assigned judge. Refer to the Administrative Guide for e-mail addresses. No action required <u>16</u> MOTION to Dismiss <i>Plaintiff's Amended Complaint</i> MOTION to Dismiss for Lack of Jurisdiction (BK) (Entered: 02/13/2020)
02/13/2020	<u>17</u>	TEXT ORDER re <u>16</u> : Defendant 1st Advantage Federal Credit Union has filed a Motion to Dismiss the Amended Complaint. Plaintiff shall reply no later than 2/27/2020. Defendant 1st Advantage may reply no later than 3/5/2020. SO ORDERED. Signed by Hon. Frank P. Geraci, Jr. on 2/13/20. (BJJ) (Entered: 02/13/2020)
02/21/2020	<u>18</u>	Letter filed by Studco Building Systems US, LLC as to John Doe, 1st Advantage Federal Credit Union <i>Requesting Extension of Time to File Opposition to Defendant's Motion to Dismiss</i> . (Jaworski, Myriah) (Entered: 02/21/2020)
02/24/2020	<u>19</u>	TEXT ORDER granting Plaintiff's letter request (ECF No. <u>18</u>) for extension of time to respond to motion to dismiss. Plaintiff shall respond to motion to dismiss no later than 3/5/2020. 1st Advantage shall reply no later than 3/12/2020. SO ORDERED. Signed by Hon. Frank P. Geraci, Jr. on 2/24/20. (BJJ) (Entered: 02/24/2020)
03/05/2020	<u>20</u>	DECLARATION signed by Myriah Jaworski re <u>16</u> MOTION to Dismiss <i>Plaintiff's Amended Complaint</i> MOTION to Dismiss for Lack of Jurisdiction filed by Studco Building Systems US, LLC <i>in Opposition to Motion to Dismiss</i> filed by Studco Building Systems US, LLC. (Attachments: # <u>1</u> Exhibit A- Website Screenshot, # <u>2</u> Exhibit B- Bus Agreement, # <u>3</u> Exhibit C- CC Agreement, # <u>4</u> Exhibit D- World Mastercard, # <u>5</u> Exhibit E- Website Screenshot, # <u>6</u> Exhibit F- Website Form, # <u>7</u> Exhibit G- Website Screenshot, # <u>8</u> Exhibit H- Website Map, # <u>9</u> Affidavit of E. McEntee in Opposition to Motion to Dismiss, # <u>10</u> Declaration of P. Katz in Opposition to Motion to Dismiss, # <u>11</u> Memorandum in Support of Opposition to Motion to Dismiss)(Jaworski, Myriah) (Entered: 03/05/2020)
03/12/2020	<u>21</u>	REPLY to Response to Motion re <u>16</u> MOTION to Dismiss <i>Plaintiff's Amended Complaint</i> MOTION to Dismiss for Lack of Jurisdiction filed by 1st Advantage Federal Credit Union. (Wisniewski, Gina) (Entered: 03/12/2020)
07/30/2020	<u>22</u>	DECISION AND ORDER: 1st Advantage Federal Credit Union's motion to dismiss the amended complaint <u>16</u> is GRANTED IN PART and DENIED IN PART. The Clerk of Court shall transfer this case to the Eastern District of Virginia, Norfolk Division, and shall close this case. Advantage's first motion to dismiss <u>9</u> is DENIED AS MOOT. SO ORDERED. Signed by Hon. Frank P. Geraci, Jr. on 7/30/2020. (MFM) -CLERK TO FOLLOW UP- (Entered: 07/30/2020)